

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0075 – ET Rezoning 2017

Z.A.P. DATE: August 1, 2017

ADDRESS: 2705 East State Highway 71 Westbound

DISTRICT: 2

OWNER: ExecuTesla, LLC (Tim Spires)

AGENT: Law Offices of Damon A. Goff (Damon Goff)

ZONING FROM: CS-CO

TO: CS

AREA: 0.16 acres
(6,969.60 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services (CS) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

August 1, 2017: *APPROVED CS-CO DISTRICT ZONING, WITH THE -CO PROHIBITING ADULT-ORIENTED BUSINESSES, ALTERNATIVE FINANCIAL SERVICES, BAIL BOND SERVICES AND PAWN SHOP SERVICES*

[A. AGUIRRE; S. TRINH – 2ND] (10-0) Y. FLORES, B. GREENBERG, J. KIOLBASSA, S. LAVANI – ABSENT

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject property is undeveloped, is located on the East State Highway 71 and is general commercial services – conditional overlay (CS-CO) district. In June 2010, Council approved CS-CO zoning with the CO allowing construction sales and services and all community commercial (GR) uses, and prohibiting certain uses, including all automotive-related uses and drive-through services as an accessory use. There is undeveloped land to the north and east (I-RR), the Austin International Bergstrom Airport to the south (AV), and a restaurant to the west (I-SF-2). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and C (2010 Rezoning Ordinance).

The Applicant has requested a zoning change to the general commercial services (CS) district in order to develop the property with an administrative office, and auto-related uses, including automotive rentals, automotive sales, and a service station. Since 2010, additional roadway improvements to the main lanes and frontage road of SH 71 have occurred and are

ongoing in the vicinity. The I-RR zoned property to the north was previously used as a manufactured home park but has been cleared within the last five years. For these reasons, Staff recommends the Applicant's request based upon the following: 1) it is compatible with the adjacent uses along East S.H. 71 between Lyle Road and Cardinal Lane; 2) its frontage on a major arterial roadway allows for good vehicular access; and 3) the rezoning area is in close proximity to the Austin Bergstrom International Airport, and commercial zoning and uses are compatible with airport activities.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO	Undeveloped
<i>North</i>	I-RR	Undeveloped
<i>South</i>	AV	Austin Bergstrom International Airport
<i>East</i>	I-RR	Undeveloped
<i>West</i>	I-SF-2	Restaurant; Undeveloped

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council	627 – Onion Creek Homeowners Association
774 – Del Valle Independent School District	1005 – Elroy Preservation Association
1195 – Imperial Valley Neighborhood Association	
1228 – Sierra Club, Austin Regional Group	1258 – Del Valle Community Coalition
1340 – Austin Heritage Tree Foundation	1363 – SEL Texas
1528 – Bike Austin	1530 Friends of Austin Neighborhoods
1550 – Homeless Neighborhood Association	

SCHOOLS:

The subject property is within the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0011 – Frenchville – 2859 SH 71 E	I-RR to CS	To Grant GR-CO w/CO for 2,000 trips/day	Apvd GR-CO as Commission recommended (3-11- 2004).
C14-00-2258 – Dairy Queen –	I-SF-2 to GR	To Grant GR	Apvd GR (2-8-2001).

2517 E SH 71			
C14-00-2176 – Silverstone Inn Project – 2525 E SH 71	I-SF-2 to CS; GR	To Grant CS; GR	Apvd GR-CO w/CO for 2,000 trips/day and prohibiting adult-oriented businesses and pawn shop services (1-18-2001).
C14-00-2061 – Stamey Zoning – 2601 E SH 71	I-RR to GR for Tract 1, CS-1 for Tract 2	To Grant GR-CO for Tract 1; CS-1-CO for Tract 2 w/CO for 2,000 trips/day	Apvd GR-CO for Tract 1, CS-1-CO for Tract 2 as Commission recommended (6-1-2000).
C14-00-2060 – Stamey Zoning – 2777 E SH 71	I-RR to GR	To Grant GR-CO	Apvd GR-CO w/CO for 2,000 trips/day (6-1-2000).
C14-98-0056 – Austin Airport Hotel, L.C. – 2751 E SH 71	I-RR to GR	To Grant GR	Apvd GR (2-25-1999).

RELATED CASES:

The rezoning area is a portion of Lot 1, Gregg & Bryant Subdivision, recorded in April 1967 (C8s-67-007). Please refer to Exhibit B (Recorded Plat).

The subject property was annexed into the Full-purpose City limits on September 6, 2001 and zoned I-RR. In June 2010, Council approved CS-CO district zoning with the CO allowing construction sales and services and all GR uses, prohibiting adult-oriented businesses, all automotive related uses, drive-through services as an accessory use, and pawn shop services. A public Restrictive Covenant prohibits 24-hour business operations (C14-2010-0050 – 2705 East Highway 71).

There are no related site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
East SH 71	215 feet	150 feet	Highway	Yes	Yes, wide shoulder	Yes

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for East SH 71.

FYI – The Texas Department of Transportation shall approve access to East SH 71. East SH 71 is currently being reconstructed, including curb line changes and may require joint use access to adjacent rights-of-way or existing driveways.

CITY COUNCIL DATE: August 31, 2017

ACTION:

ORDINANCE READINGS: 1st

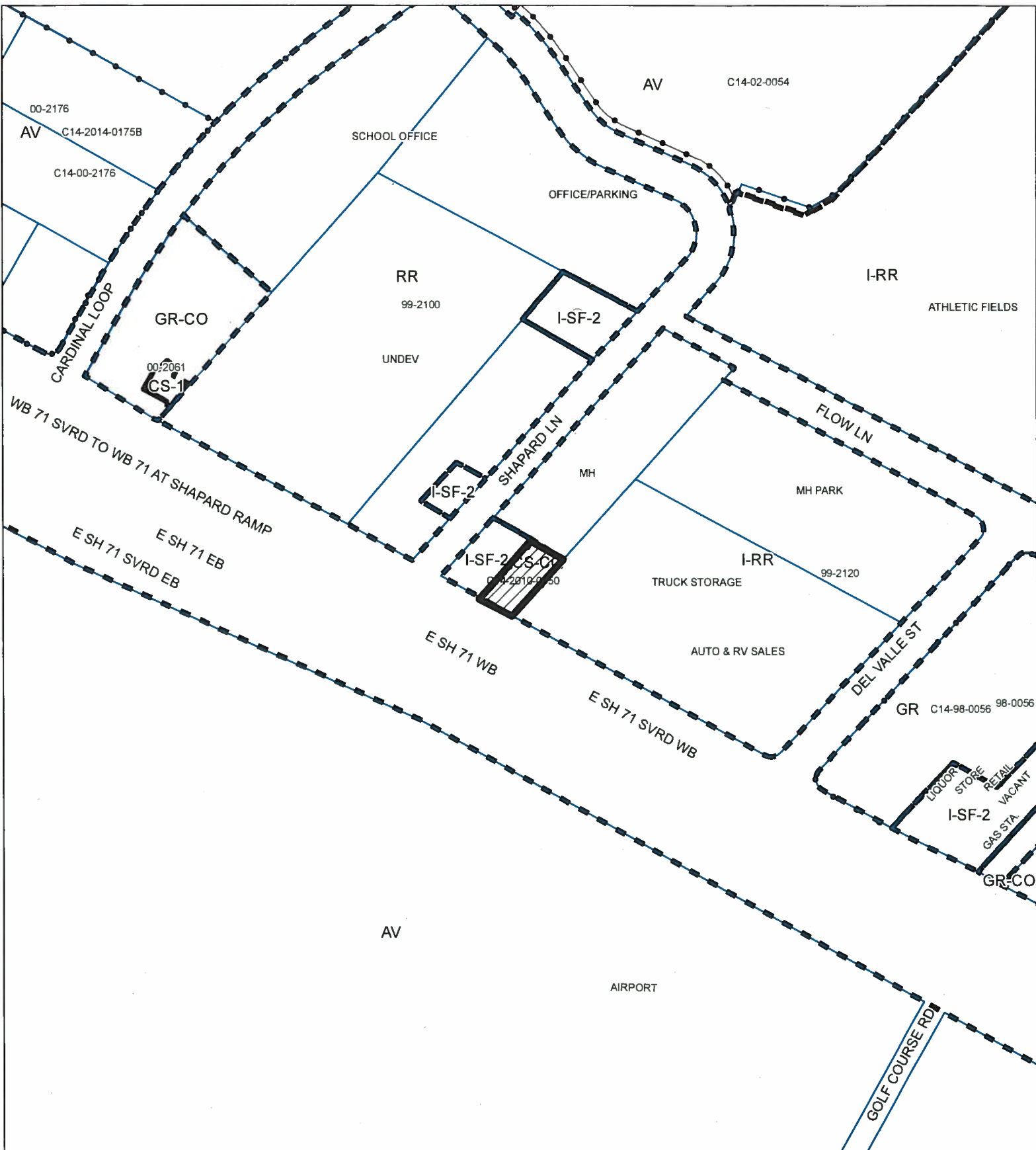
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

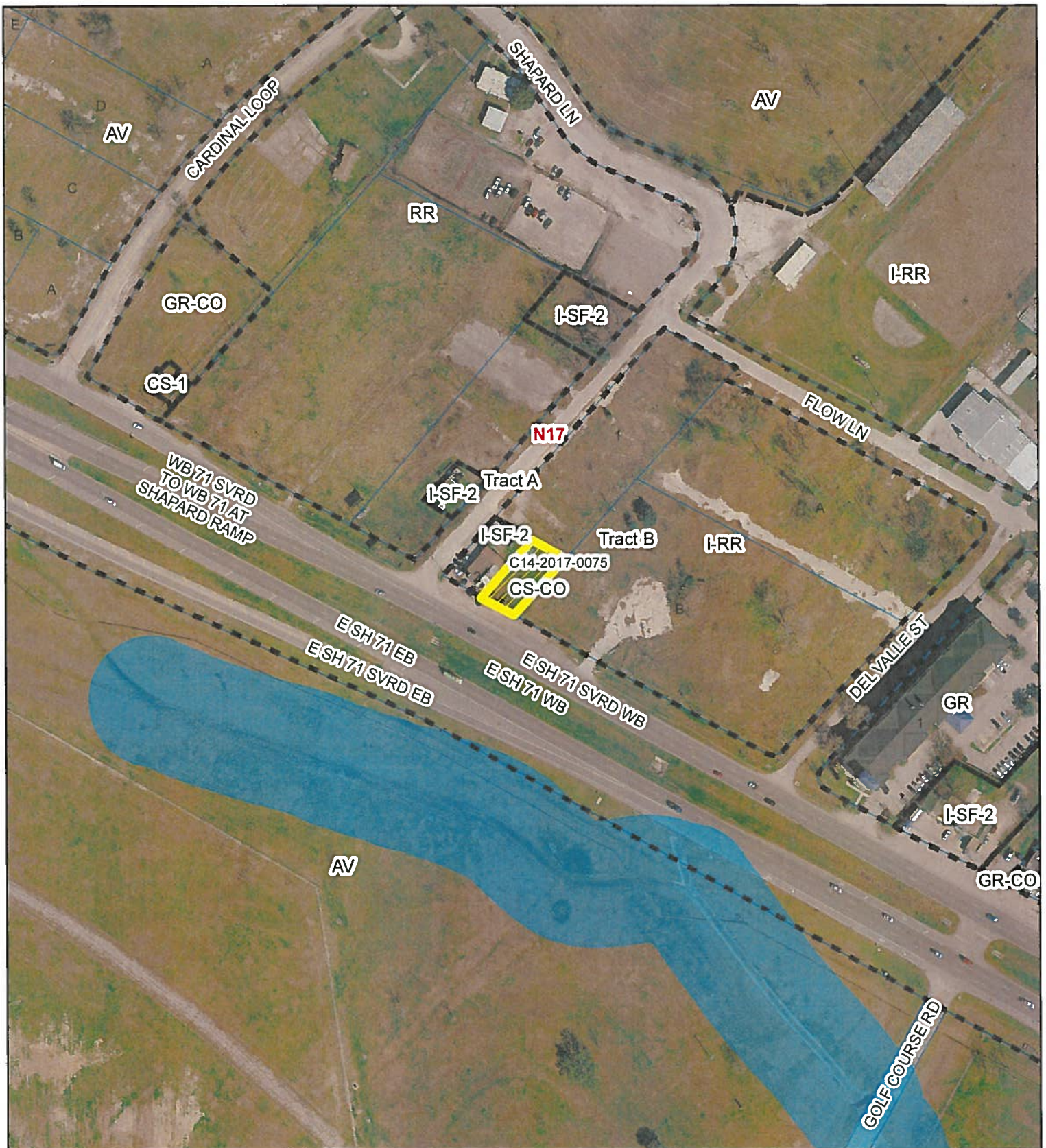
ZONING EXHIBIT A CASE#: C14-2017-0075



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 200'



ET REZONING 2017

Exhibit A1

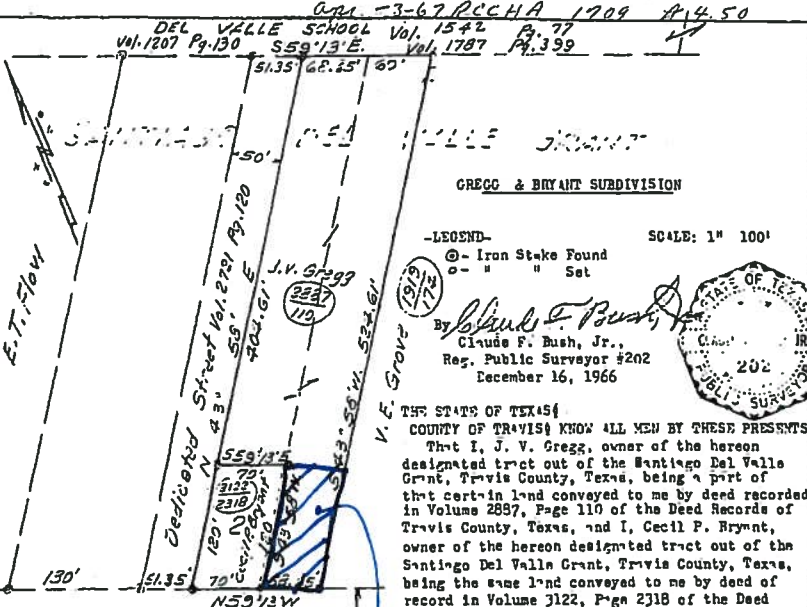
ZONING CASE#: C14-2017-0075
LOCATION: 2705 E. SH 71 Westbound
SUBJECT AREA: .16 ACRES
GRID: N17
MANAGER: WENDY RHOADES



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER

1" = 200'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



GREGG & BRYANT SUBDIVISION

LEGEND

SCALE: 1" = 100'

- ⊙ - Iron Stake Found
- - " " Set

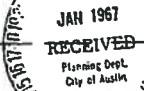
By Claude F. Bush, Jr.
 Reg. Public Surveyor #202
 December 16, 1966



THE STATE OF TEXAS
 COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS
 That I, J. V. Gregg, owner of the hereon
 designated tract out of the Santiago Del Valle
 Grant, Travis County, Texas, being a part of
 that certain land conveyed to me by deed recorded
 in Volume 2837, Page 110 of the Deed Records of
 Travis County, Texas, and I, Cecil P. Bryant,
 owner of the hereon designated tract out of the
 Santiago Del Valle Grant, Travis County, Texas,
 being the same land conveyed to me by deed of
 record in Volume 3122, Page 2318 of the Deed
 Records of Travis County, Texas, do hereby adopt
 this plat as our subdivision to be known as
 GREGG & BRYANT SUBDIVISION, subject to any cove-
 nants or restrictions heretofore granted.
 WITNESS OUR HANDS this the 27th day of December
 A.D. 1966.

J. V. Gregg Cecil P. Bryant
 J. V. Gregg Cecil P. Bryant

TEXAS STATE HIGHWAY 71



THE STATE OF TEXAS
 COUNTY OF TRAVIS:
 Before me the undersigned authority personally appeared J. V. Gregg, known to me to be the
 person whose name is subscribed to the foregoing instrument and he acknowledged to me that he
 executed the same as his act and deed for the purposes and consideration therein expressed.
 WITNESS MY HAND AND SEAL OF OFFICE this the 27th day of December, A.D. 1966
Edward H. H. H.
 Notary Public in/for Travis County, Texas

THE STATE OF TEXAS
 COUNTY OF TRAVIS:
 Before me the undersigned authority on this day personally appeared Cecil P. Bryant, known
 to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged
 to me that he executed the same as his act and deed for the purposes and consideration therein
 expressed.
 WITNESS MY HAND AND SEAL OF OFFICE this the 27th day of December, A.D. 1966
Edward H. H. H.
 Notary Public in/for Travis County, Texas

APPROVED FOR ACCESSION on the 28th day of March, A.D. 1967
 By Boyle M. Osborne
 Boyle M. Osborne, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS on
 the 28th day of March, A.D. 1967
 Secretary W. S. Lee Chairman W. S. Lee

SEPTIC TANK NOTE: Each house in this subdivision shall be connected to a septic tank with a
 capacity of not less than 500 gallons and with a drain field of not less than 150 feet, and
 shall be installed in accordance with the regulations of the city-county health officer and
 shall be inspected and approved by such officer. This regulation is enforceable by the City
 of Austin-Travis County Health Unit and/or the subdivider.

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood
 that the building of all streets, roads or other public thoroughfares or any bridges or
 culverts necessary to be placed in such streets, roads or other public thoroughfares, shall
 be the responsibility of the owner and/or developer of the tract of land covered by this
 plat in accordance with plans and specifications prescribed by the Commissioners Court of
 Travis County, Texas, and said court assumes no obligation to build any of the streets,
 roads or other public thoroughfares or any of the bridges or culverts in connection
 therewith.

THE STATE OF TEXAS
 CLERK
 I, Miss Emilie Limberg, County Clerk of Travis County, Texas, do hereby certify that
 on the 3 day of April, A.D. 1967, the Commissioners Court of Travis
 County, Texas passed an order authorizing the filing for record of this plat and that
 said order has been duly entered in the minutes of said court in Book 32 Page 363.
 WITNESS MY HAND AND SEAL OF OFFICE this the 3 day of April, A.D. 1967.
 Miss Emilie Limberg, County Clerk, Travis County, Texas
 By Shant Harris Deputy

FILED FOR RECORD on the 3 day of April, A.D. 1967 at 10:30 o'clock A.M.
 Miss Emilie Limberg, County Clerk, Travis County, Texas
 By Wanda Rich Deputy

THE STATE OF TEXAS
 COUNTY OF TRAVIS:
 I, Miss Emilie Limberg, clerk of the County Court within and for the County and
 State aforesaid, do hereby certify that the foregoing instrument of writing with its
 certificate of authentication was filed for record in my office on the 3 day of
 April, A.D. 1967 at 10:30 o'clock A.M. and duly recorded on the 3 day of
 April, A.D. 1967 at 10:30 o'clock A.M. in the Plat Records of said County in
 Book 32 Page 44.
 WITNESS MY HAND AND SEAL OF OFFICE this the 3 day of April, A.D. 1967
 Miss Emilie Limberg, County Clerk, Travis County, Texas
 By Wanda Rich Deputy

REZONING AREA

EXHIBIT B
 RECORDED PLAT

ORDINANCE NO. 20100624-135

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 2705 EAST STATE HIGHWAY 71 AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim-rural residence (I-RR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in **Zoning Case No. C14-2010-0050**, on file at the Planning and Development Review Department, as follows:

A 0.16 acre tract of land, more or less, out of Lot 1, the Gregg and Bryant Subdivision, a subdivision in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2705 East State Highway 71, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The following uses are conditional uses:

Custom manufacturing	Drop-off recycling collection facility
Food preparation	Limited warehousing and distribution
Maintenance and service facilities	Plant nursery
Special use historic	

B. The following uses are prohibited uses:

Adult-oriented uses	Agricultural sales and services
Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)

Building maintenance services
Commercial blood plasma center
Electronic prototype assembly
Equipment repair services
Exterminating services
Laundry service
Off-site accessory parking
Service station
Transportation terminal
Veterinary services

Campground
Convenience storage
Electronic testing
Equipment sales
Kennels
Monument retail sales
Pawn shop services
Transitional housing
Vehicle storage

C. Drive-in service is prohibited as an accessory use to commercial uses.

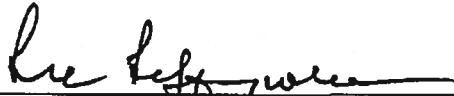
Except as specifically provided in this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on July 5, 2010.

PASSED AND APPROVED

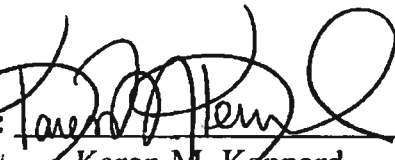
June 24, 2010

§
§
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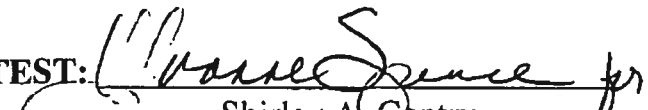


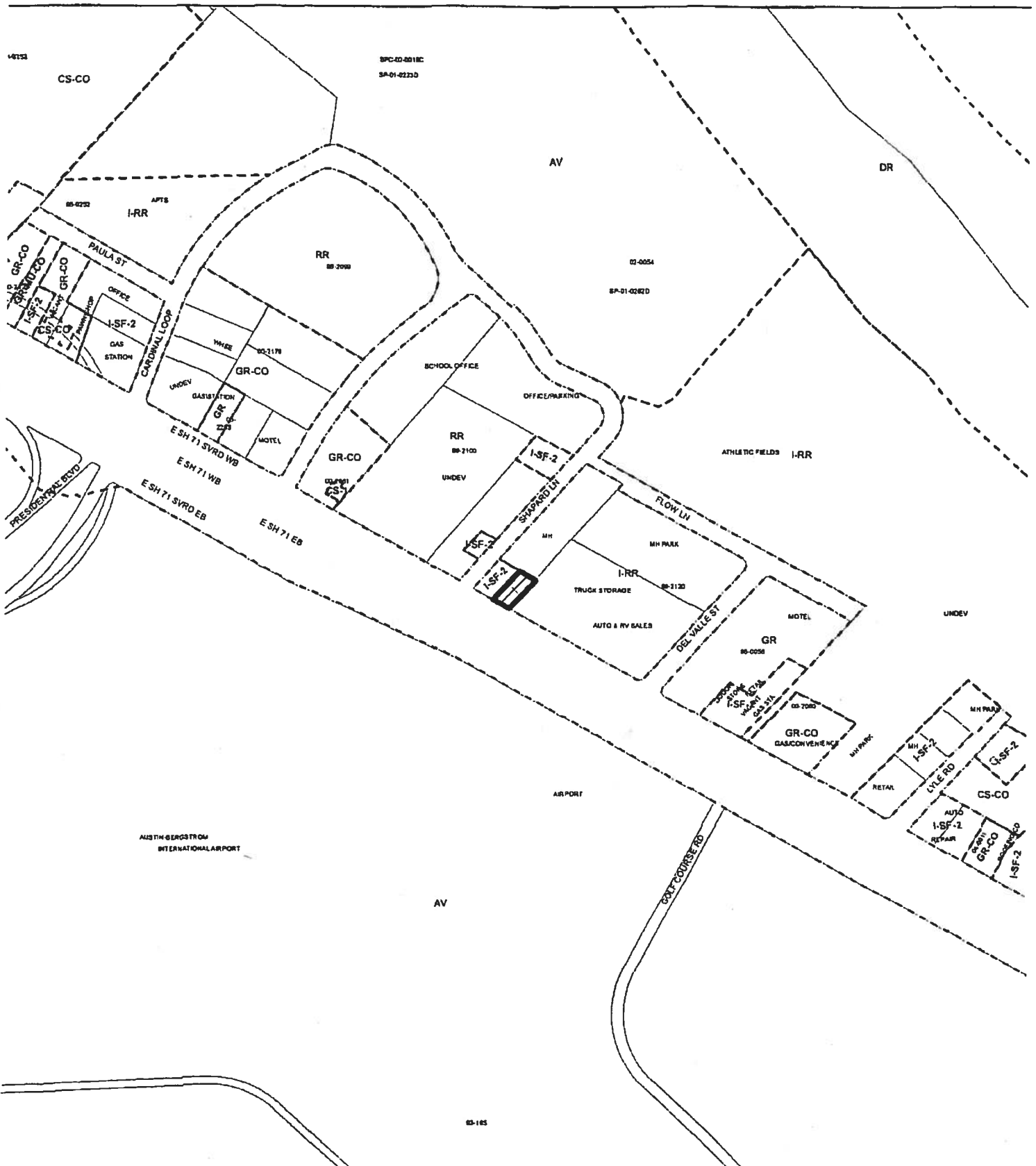
Lee Leffingwell
Mayor

APPROVED:


Karen M. Kennard
Acting City Attorney

ATTEST:


Shirley A. Gentry
City Clerk



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE

ZONING

Exhibit B

ZONING CASE#: C14-2010-0050
 ADDRESS: 2705 E STATE HWY 71
 SUBJECT AREA: 0.16 ACRES
 GRID: N17
 MANAGER: WENDY RHOADES



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SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services (CS) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Since 2010, additional roadway improvements to the main lanes and frontage road of SH 71 have occurred and are ongoing in the vicinity. Staff recommends the Applicant's request based upon the following: 1) it is compatible with the adjacent uses along East S.H. 71 between Lyle Road and Cardinal Lane; 2) its frontage on a major arterial roadway allows for good vehicular access; and 3) the rezoning area is in close proximity to the Austin Bergstrom International Airport, and commercial zoning and uses are compatible with airport activities.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped and fairly flat, with sparse vegetative cover. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive zoning regulations.

Comprehensive Planning

This rezoning case is located on the north side of Bastrop Highway/SH 71 (just north of the airport) on a property that is approximately 0.16 acres in size. The property is undeveloped and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes undeveloped land to the north and east, a small restaurant to the west, and Bastrop Highway/SH 71 to the south. The proposal is to remove the CO to make way for an auto oriented (chauffeur) commercial/auto rental business. The current CO on the property prohibits a variety of auto related uses (auto sales, auto rental, auto washing,

off-site accessory parking, service station, vehicle storage, drive-thru, and transportation terminal.)

Connectivity

Public sidewalks are currently being installed along this section of the SH 71 but there are no public transit stops within walking distance to this highly traveled highway. The Walkscore for this site is 9/100, meaning almost all errands require a car.

Imagine Austin

Based on the comparative scale of the site relative to other commercial uses located along SH 71, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Colorado River Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

Site Plan and Compatibility Standards

The site is located within Austin-Bergstrom Overlay [AO-2]. No use will be allowed that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Zoning and Platting Commission Hearing.

This site is in the Scenic Roadway sign district. As a result, the subject tract will be limited to one freestanding sign not to exceed 12 feet in height and the lesser of 64 square feet or 0.4 square feet for each linear foot of street frontage.

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Transportation

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC, Section 25-6-113.

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for E SH 71. TxDOT may request the dedication and/or reservation of additional right-of-way in accordance with the Transportation Plan during the subdivision and/or site plan application [LDC, Sec. 25-6-51 and 25-6-55].

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements,

utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2017-0075

Contact: Wendy Rhoades, 512-974-7719

**Public Hearings: August 1, 2017, Zoning and Platting Commission
August 31, 2017, City Council**

Cecil P Bryant

Your Name (please print)

2640 E. State HX 71

435 E. Elizabetha

Your address(es) affected by this application

Cecil P Bryant

Signature

7/24/17

Date

Daytime Telephone: 409-540-2205

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810